



Attorney's Docket No. 34976/238448

#6 360 Receipt

FILE COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Aylward, et al.  
Appl. No.: 10/034,436  
Filed: December 27, 2001  
For: APPARATUS FOR HANDLING AND  
PACKAGING FRIABLE TABLETS

Confirmation No.: 2496  
Group Art Unit: 1615

January 6, 2003

Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, DC 20231

**REQUEST FOR CORRECTED FILING RECEIPT**

Sir:

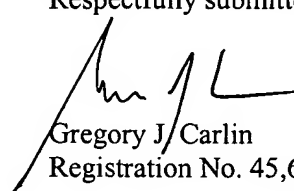
In reviewing the Response to Request For Corrected Filing Receipt dated November 12, 2002, Applicant notes that the response incorrectly states as follows:

Continuity claimed under 35 U.S.C. § 120 cannot be added to the Filing Receipt without the applicant supplying the relationship (continuation, divisional, or continuation-in-part) in an Application Data Sheet or amendment to the first page of the specification. Serial no(s) 09/658,996 09/11/00 and PCT/US99/05103 03/09/99

Please note that Applicant submitted a Preliminary Amendment dated December 27, 2001 along with the above-referenced application. This Preliminary Amendment, a copy of which is enclosed, was acknowledged as received by the U.S. Patent and Trademark Office and a copy of the postcard bearing the PTO stamp with pertinent information highlighted is also enclosed.

Applicant therefore requests that the information inserted (and highlighted in yellow) on the enclosed copy of the Filing Receipt dated September 16, 2002, be added and that a corrected Filing Receipt be issued.

Respectfully submitted,

  
Gregory J. Carlin  
Registration No. 45,607

Customer No. 00826  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Charlotte Office (704) 444-1000  
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CLT01/4570927v1

### **CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:  
Commissioner for Patents, Office of Initial Patent Examination, Customer Service Center,  
Washington, DC 20231, on January 6, 2003.

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Glenda R. Ransom



Alston &amp; Bird

GSC

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
www.uspto.gov

JAN 13 2003

Received By

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/658,996	12/27/2001	John Thomas Aylward	34976/238448

CONFIRMATION NO. 2496

00826  
ALSTON & BIRD LLP  
BANK OF AMERICA PLAZA  
101 SOUTH TRYON STREET, SUITE 4000  
CHARLOTTE, NC 28280-4000

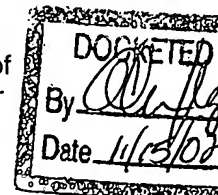
\*OC000000009090739\*

Date Mailed: 11/12/2002

**RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT****Domestic Continuity and Foreign Priority**

In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:

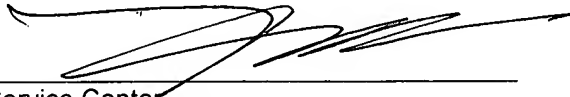
- ☐ The priority or continuity claim has not been entered because it was not filed during the required time period. Applicant may wish to consider filing a petition to accept an unintentionally delayed claim for priority. See 37 CFR 1.55 or 1.78.
- ☒ Continuity claimed under 35 U.S.C. § 120 cannot be added to the Filing Receipt without the applicant supplying the relationship (continuation, divisional, or continuation-in-part) in an Application Data Sheet or amendment to the first page of the specification. Serial no(s) 09/658,996 09/11/00 and PCT/US99/05103 03/09/99
- ☐ A claim for priority cannot be made based on an application filed after the application making the claim.
- ☐ Domestic benefit and foreign priority claims will not be captured in a provisional application.
- ☐ A provisional application is not entitled to a right of priority or to the benefit of an earlier filing date of any other application. See 35 U.S.C. § 111(b)(7) and 37 CFR 1.53(c)(4).
- ☐ A domestic continuity claim cannot be made to a foreign application and the filing receipt will only list the foreign country, application number, and filing date.
- ☐ Foreign priority will appear on the Filing Receipt in the following order:  
**Country, Application number, Filing date.**
- ☐ This application is the result of a conversion from a provisional application. Priority based on such application cannot be made since it no longer exists as a provisional application.
- ☐ The application(s) to which priority is claimed were filed over a year prior to the filing date of this application. Therefore, the referenced application(s) cannot be claimed as domestic or



foreign priority.

☐ To change the benefit claim of a U.S. prior-filed application, applicant must amend the first sentence of the specification (if the benefit claim is referenced in the specification), or provide a supplemental application data sheet (ADS) (if the benefit claim was submitted in an ADS), with the desired benefit claim. Note that once a benefit claim is deleted, applicant will not be able to claim such prior-filed application again, if the above-identified application was filed on or after November 29, 2000.

☐ To change a foreign priority claim, applicant must submit a supplemental oath or declaration (if the priority claim is referenced in the oath or declaration), or a supplemental application data sheet (ADS) (if the priority claim was submitted in an ADS), with the desired priority claim. If a supplemental ADS is submitted, any deletions should be shown with strikeouts. Note that once a priority claim is deleted, applicant will not be able to claim such foreign application again, if the above-identified application was filed on or after November 29, 2000.



Customer Service Center  
Office of Initial Patent Examination  
(703) 308-1202



Attorney's Office No. 34976/238448

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Aylward, et al.  
Appl. No.: Not Yet Assigned  
Filed: Concurrently Herewith  
For: APPARATUS FOR HANDLING AND  
PACKAGING FRIABLE TABLETS

December 27, 2001

Commissioner for Patents  
Washington, DC 20231

**PRELIMINARY AMENDMENT**

Dear Sir:

Please amend the above-identified application as follows:

**In The Specification:**

On page 1, immediately after the title of the application, please insert the following paragraph:

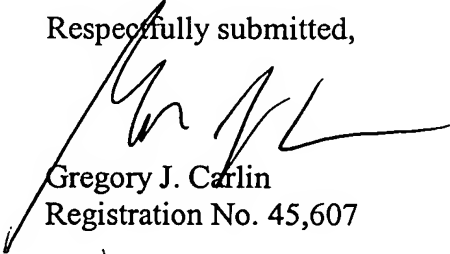
**--CROSS-REFERENCE TO RELATED APPLICATIONS--**

This application is related to, and is a continuation of, U.S. Application No. 09/876,822 filed June 7, 2001, which is hereby incorporated herein by reference. U.S. Application No. 09/876,822 claims the priority of U.S. Application No. 09/658,966, filed September 11, 2000; U.S. Provisional Application No. 60/077,363, filed March 9, 1998; and Application No. PCT/US99/05103, filed March 9, 1999.

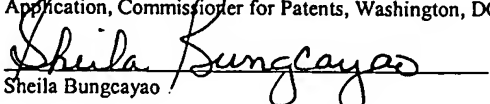
REMARKS

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

  
Gregory J. Carlin  
Registration No. 45,607

CUSTOMER NO. 000826  
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<p><b>"Express Mail" Mailing Label Number EL910630969US</b> Date of Deposit: December 27, 2001.</p> <p>I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Box Patent Application, Commissioner for Patents, Washington, DC 20231.</p> <p> Sheila Bungcayao</p>	<p><b>CERTIFICATE OF MAILING</b></p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on _____, 2001.</p> <p>_____</p>
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Commissioner For Patents  
Washington, DC 20231

Date Mailed: 12/27/01

Atty. Dkt. No. 34976/238448

Kindly acknowledge receipt of the accompanying CONTINUATION PATENT  
APPLICATION with Application Transmittal Cover Sheet for:

Inventor(s): Aylward, et al.

Title of Invention: APPARATUS FOR HANDLING AND PACKAGING  
FRIABLE TABLETS

Pages of Spec. (including claims and abstract) 19; No. of Claims 7

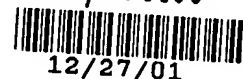
No. of Drawing Sheets 11; Preliminary Amendment

Please place office stamp hereon and Return Postcard to:

Sheila Buncayao/GJC/4976-28C

ALSTON & BIRD LLP

j1036 U.S. PTO  
10/034436



Alston & Bird

JAN 14 2002

Received by



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## UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/034,430	08/27/2001	1615	435	34976/238448	11	7	1

00826

ALSTON & BIRD LLP  
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CHARLOTTE, NC 28280-4000

CONFIRMATION NO. 2496

UPDATED FILING RECEIPT



\*OC00000008790381\*

Date Mailed: 09/16/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

John Thomas Aylward, New Bern, NC;  
C. Frederick DeMey, Chesterfield, VA;

## Assignment For Published Patent Application

Aylward Enterprises, Inc., New Bern, NC;

## Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CON OF 09/876,822 06/07/2001 ABN  
WHICH CLAIMS BENEFIT OF 60/077,363 03/09/1998  
09/658,996 09/11/00 and PCT/US99/05103 3/09/1999

## Foreign Applications

If Required, Foreign Filing License Granted 02/04/2002

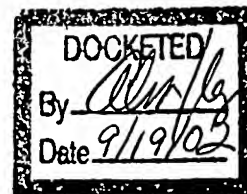
Projected Publication Date: 12/26/2002

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

Title





Apparatus for handling and packaging friable tablets

Preliminary Class

424



LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

#### GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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#### NOT GRANTED

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